

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below hereto my name. I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **Health Monitoring and Diagnostic Device and Network-Based Health Assessment and Medical Record Maintenance System**, the specification of which

is attached hereto.

was filed on \_\_\_\_\_ as Application No. \_\_\_\_\_

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<u>Application No.</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed Under 35 USC §119</u>
60,107,704 (Application No.)	November 9, 1998 (Filing Date)	60/144,705 (Application No.)	July 20, 1999 (Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

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2400 Monarch Tower, 3424 Peachtree Road, N.E.  
Atlanta, GA 30326

Direct telephone calls at (404) 949-2400

Michael J. Mehrman

Full name of sole or first inventor: Christopher T. Maus	Citizenship:	United States
Inventor's signature: <i>Christopher T. Maus</i>	Date:	11/21/99
Residence and Post Office Address: 3277 Jewel Lake Road, Eagle, ID 83860		

Additional inventors are being named on separately numbered sheets attached hereto.

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AUG 26 2003

Attorney's Docket No. 12740-0130

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Michael J. Mehrman

Full name of second inventor, if any: Craig A. Coad	Citizenship: United States
Inventor's signature	Date: 11/2/09
Residence and Post Office Address: 20600 Canary Road, Cataldo ID 83810	

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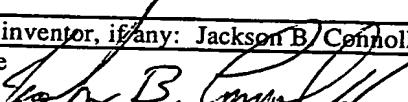
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Direct telephone calls at (404) 949-2400

Michael J. Mehrman

Full name of third inventor, if any: Jackson B. Connolly	Citizenship: United States
Inventor's signature: 	Date: 11.02.99
Residence and Post Office Address: 4677 East Alpine Drive, Post Falls ID 83854	
<input checked="" type="checkbox"/> Additional inventors are being named on separately numbered sheets attached hereto.	

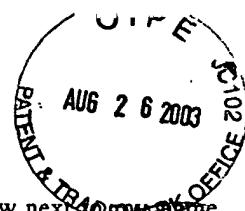
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Direct telephone calls at (404) 949-2400

Michael J. Mehrman

Full name of fourth inventor, if any: Noah M. Coad	Citizenship: United States
Inventor's signature <i>Noah Coad</i>	Date: 11/5/99
Residence and Post Office Address: 20600 Canary Road, Cataldo, ID 83820	

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Michael J. Mehrman

Full name of fifth inventor, if any: James L. Moody	Citizenship: United States
Inventor's signature: <i>James L. Moody</i>	Date: 11/3/99
Residence and Post Office Address: 32501 Southwest Juliette Drive, Wilsonville OR 97070	

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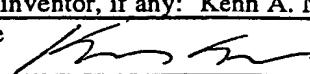
I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

**POWER OF ATTORNEY:** The following attorneys are hereby appointed to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Anthony B. Askew - 24,154; Roger T. Frost - 22,176; Jeffrey E. Young - 28,490; Robert E. Richards - 29,105; John R. Harris - 30,388; Stephen M. Schaetzl - 31,418; Larry A. Roberts - 31,871; Gregory T. Gronholm - 32,415; Dale Lischer - 28,438; Peter G. Pappas - 33,205; James Dean Johnson - 31,771; Daniel J. Warren - 34,272; Leona G. Young - 37,266; Jamie L. Greene - 32,467; Holmes J. Hawkins III - 38,913; Mary Anthony Merchant - 39,771; Michael J. Mehrman - 40,086; William L. Warren - 36,714; Brenda Ozaki Holmes - 40,339; James D. Withers - 40,376; Kimberly J. Prior - 41,483; Theodore M. Green - 41,801; Christopher J. Leonard - 41,940; Christos S. Kyriakou - 42,776; John K. McDonald - 42,860; Michael S. Pavento - 42,985; Suzanne Seavello Shope - 37,933; M. Scott Boone - 42,341; Sima Singadia Kulkarni - 43,732; A. Shane Nichols - 43,836; Christopher J. Chan - 44,070; Collen A. Beard - 38,824; Steven P. Wigmore - 40,447; John M. Briski - P44,562; Lisa C. Elsevier - P44,669; S. Craig Hemenway - P44,759; Paul E. Knowlton - P44,842.

Send correspondence to: **JONES & ASKEW, LLP**  
2400 Monarch Tower, 3424 Peachtree Road, N.E.  
Atlanta, GA 30326

Direct telephone calls at (404) 949-2400

Michael J. Mehrman

Full name of sixth inventor, if any: Kenn A. Nesbitt	Citizenship: United States
Inventor's signature 	Date: 11/2/99
Residence and Post Office Address: 2719 West Summit Boulevard, Spokane WA 99201	

Additional inventors are being named on separately numbered sheets attached hereto.

## DECLARATION AND POW. F ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **Health Monitoring and Diagnostic Device and Network-Based Health Assessment and Medical Record Maintenance System**, the specification of which

is attached hereto.

was filed on \_\_\_\_\_ as Application No. \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. *I understand that I have a duty of candor and good faith toward the Patent and Trademark Office*, and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of the foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate disclosing subject matter in common with the above-identified specification and having a filing date before that of the application on which priority is claimed:

<u>Application No.</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed Under 35 USC §119</u>
			Yes _____ No _____

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

<u>60,107,704</u> (Application No.)	<u>November 9, 1998</u> (Filing Date)	<u>60/144,705</u> (Application No.)	<u>July 20, 1999</u> (Filing Date)
--	--	--	---------------------------------------

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter disclosed and claimed in the present application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

**POWER OF ATTORNEY:** The following attorneys are hereby appointed to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Anthony B. Askew - 24,154; Roger T. Frost - 22,176; Jeffrey E. Young - 28,490; Robert E. Richards - 29,105; John R. Harris - 30,388; Stephen M. Schaetzl - 31,418; Larry A. Roberts - 31,871; Gregory T. Gronholm - 32,415; Dale Lischer - 28,438; Peter G. Pappas - 33,205; James Dean Johnson - 31,771; Daniel J. Warren - 34,272; Leona G. Young - 37,266; Jamie L. Greene-32,467; Holmes J. Hawkins III - 38,913; Mary Anthony Merchant - 39,771; Michael J. Mehrman - 40,086; William L. Warren - 36,714; Brenda Ozaki Holmes - 40,339; James D. Withers - 40,376; Kimberly J. Prior - 41,483; Theodore M. Green - 41,801; Christopher J. Leonard - 41,940; Christos S. Kyriakou - 42,776; John K. McDonald - 42,860; Michael S. Pavento - 42,985; Suzanne Seavello Shope - 37,933; M. Scott Boone - 42,341; Sima Singadia Kulkarni - 43,732; A. Shane Nichols - 43,836; Christopher J. Chan - 44,070; Collen A. Beard - 38,824; Steven P. Wigmore - 40,447; John M. Briski - P44,562; Lisa C. Elsevier - P44,669; S. Craig Hemenway - P44,759; Paul E. Knowlton - P44,842.

Send correspondence to: **JONES & ASKEW, LLP**  
2400 Monarch Tower, 3424 Peachtree Road, N.E.  
Atlanta, GA 30326

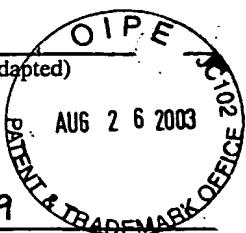
Direct telephone calls at (404) 949-2400

Michael J. Mehrman

Full name of seventh inventor, if any: Kenneth D. Clegg	Citizenship: United States
Inventor's signature <i>Kenneth D. Clegg</i>	Date: 11-2-1999
Residence and Post Office Address: 14534 North Fairview Drive, Mead WA 99021	

Additional inventors are being named on separately numbered sheets attached hereto.

AUG 26 2003



11-18-1999



MRD 11/8/99

1012C3034

U.S. DEPARTMENT OF COMMERCE  
Patent & Trademark Office  
HEET

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): Christopher T. Maus, Craig A. Coad, Jackson B. Connolly, Noah M. Coad, James L. Moody, Kenn A. Nesbitt, Kenneth D. Clegg

Additional name(s) of conveying party(ies) attached?  Yes  No

3. Nature of conveyance:

Assignment  Merger  
 Security Agreement  Change of Name  
 Other \_\_\_\_\_

Execution Dates: November 2, 3 & 5, 1999

2. Name and address of receiving party(ies):

Name: Lifestream Technologies, Inc.

510 Clearwater Loop, Suite 101  
Post Falls, Idaho 83854

11/08/99  
Jc511 U.S. PTO  
09/436323

Additional name(s) & address(es) attached?  Yes  No

4(a). Patent Application No.(s): 09/436323

4(b). Patent No.(s):

If this document is being filed together with a new application, the execution date of the application is: November 9, 1999

Additional numbers attached?  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Michael J. Mehrman

Address: JONES & ASKEW, LLP  
2400 Monarch Tower  
3424 Peachtree Road, N.E.  
Atlanta, Georgia 30326

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41) enclosed: \$ 40

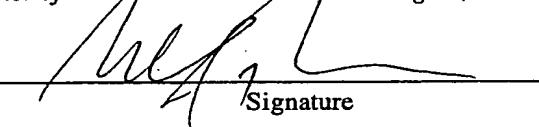
DO NOT USE THIS SPACE

8. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

*I certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents & Trademarks, Washington, DC 20231, on the date given below.*

Michael J. Mehrman

  
Signature

November 8, 1999

Date

Attorney Docket No: 12740--0130

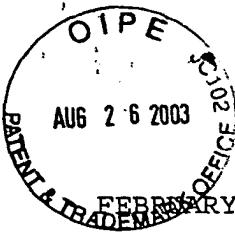
Total number of pages including cover sheet: 7

Mail documents to be recorded with required cover sheet information to: Commissioner of Patents & Trademarks  
Box Assignments  
Washington, DC 20231

11/18/1999 DMGUYEN 0000065 09436323

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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

FEBRUARY 15, 2000

PTAS



\*101203034A\*

JONES & ASKEW, L.L.P.  
MICHAEL J. MEHRMAN  
3424 PEACHTREE ROAD, N.E.  
2400 MONARCH TOWER  
ATLANTA, GEORGIA 30326

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 11/08/1999

REEL/FRAME: 010379/0677  
NUMBER OF PAGES: 7

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
COAD, CRAIG A. DOC DATE: 11/02/1999

ASSIGNOR:  
CONNOLLY, JACKSON B. DOC DATE: 11/02/1999

ASSIGNOR:  
COAD, NOAH M. DOC DATE: 11/05/1999

ASSIGNOR:  
MOODY, JAMES L. DOC DATE: 11/03/1999

ASSIGNOR:  
NESBITT, KENN A. DOC DATE: 11/02/1999

ASSIGNOR:  
CLEGG, KENNETH D. DOC DATE: 11/02/1999

ASSIGNOR:  
MAUS, CHRISTOPHER T. DOC DATE: 11/02/1999

SCANNED

RECEIVED

MAR 3 2000

MORRIS, MANNING

RECEIVED

FEB 28 2000

JONES & ASKEW

ASSIGNEE:

LIFESTREAM TECHNOLOGIES, INC.  
510 CLEARWATER LOOP, SUITE 101  
POST FALLS, IDAHO 83854

SERIAL NUMBER: 09436323

PATENT NUMBER:

FILING DATE: 11/08/1999

ISSUE DATE:

SHARON LATIMER, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

## ASSIGNMENT

WHEREAS, we, **Christopher T. Maus**, having an address of 3277 Jewel Lake, Sagle, Idaho 83860, **Craig A. Coad**, having an address of 20600 Canary Road, Cataldo, Idaho 83810, **Jackson B. Connolly**, having an address of 4677 East Alpine Drive, Post Falls, Idaho 83854, **Noah M. Coad**, having an address of 20600 Canary Road, Cataldo, Idaho 83810, **James L. Moody**, having an address of 32501 SW Juliette Drive, Wilsonville, Oregon 97070, **Kenn A. Nesbitt**, having an address of 2719 West Summit Boulevard, Spokane, Washington 99201, and **Kenneth D. Clegg**, having an address of 14534 North Fairview Drive, Mead, Washington 99021 (hereinafter referred to as ASSIGNORS), are the joint inventors of an invention entitled "**Health Monitoring and Diagnostic Device and Network-Based Health Assessment and Medical Record Maintenance System**," as described and claimed in the specification forming part of an application for United States letters patent executed herewith;

WHEREAS, **Lifestream Technologies, Inc.**, (hereinafter referred to as ASSIGNEE), a corporation of the State of Idaho having a place of business at 510 Clearwater Loop, Suite 101, Post Falls, Idaho 83854, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign and transfer unto said ASSIGNEE, the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions, and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE, and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns as fully and

entirely as the same would have been held and enjoyed by ASSIGNORS had this assignment, transfer and sale not been made. ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNORS agree to execute all instruments and documents required for the making and prosecution of applications for United States and foreign letters patent on said invention, for litigation regarding said letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

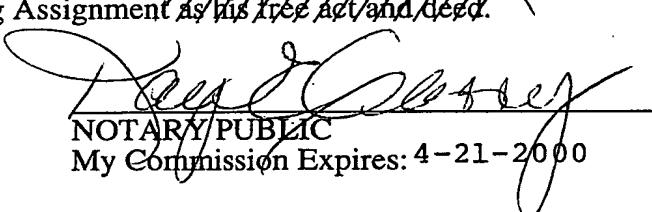


Christopher T. Maus

STATE OF IDAHO

Before me, a Notary Public in and for the State of Idaho, on this 2ND day of NOVEMBER, 1999, personally appeared **Christopher T. Maus**, who being duly sworn, signed and acknowledged the foregoing Assignment *as his free act and deed.*

OFFICIAL SEAL  
KAY E. CURRY  
NOTARY PUBLIC STATE OF IDAHO  
COUNTY OF KOOTENAI  
My Comm. Expires April 21, 2000



NOTARY PUBLIC  
My Commission Expires: 4-21-2000

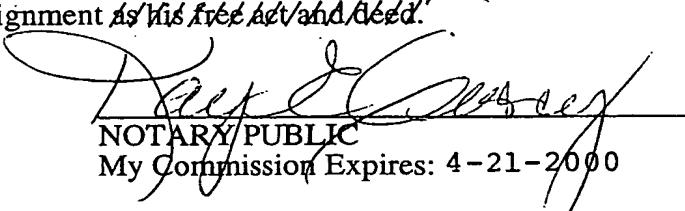


Craig A. Coad

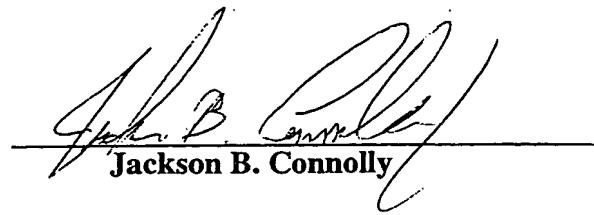
STATE OF IDAHO

Before me, a Notary Public in and for the State of Idaho, on this 2ND day of NOVEMBER, 1999, personally appeared **Craig A. Coad**, who being duly sworn, signed and acknowledged the foregoing Assignment *as his free act and deed.*

(Seal)  
OFFICIAL SEAL  
KAY E. CURRY  
NOTARY PUBLIC STATE OF IDAHO  
COUNTY OF KOOTENAI  
My Comm. Expires April 21, 2000



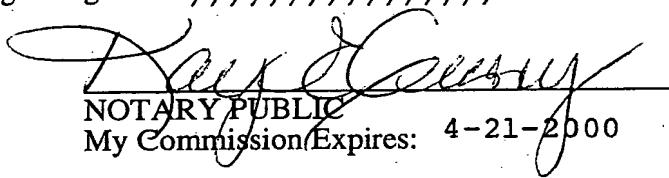
NOTARY PUBLIC  
My Commission Expires: 4-21-2000



Jackson B. Connolly

STATE OF IDAHO

Before me, a Notary Public in and for the State of Idaho, on this 2<sup>ND</sup> day of NOVEMBER, 1999, personally appeared **Jackson B. Connolly**, who being duly sworn, signed and acknowledged the foregoing Assignment ~~as his free act and deed~~.



NOTARY PUBLIC  
My Commission Expires: 4-21-2000

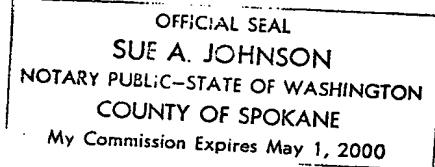
(Seal)  
OFFICIAL SEAL  
**KAY E. CURRY**  
NOTARY PUBLIC STATE OF IDAHO  
COUNTY OF KOOTENAI  
My Comm. Expires April 21, 2000

Kenneth D. Clegg  
Kenneth D. Clegg

STATE OF WASHINGTON

Before me, a Notary Public in and for the State of Washington, on this 2 day of NOVEMBER, 1999, personally appeared **Kenneth D. Clegg**, who being duly sworn, signed and acknowledged the foregoing Assignment as his free act and deed.

(Seal)



Sue A. Johnson  
NOTARY PUBLIC  
My Commission Expires: 2000

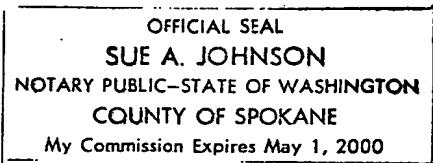
Kenn A. Nesbitt

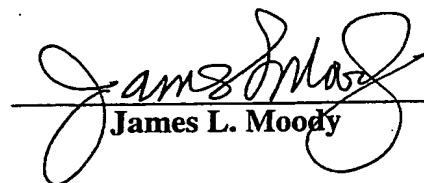
STATE OF WASHINGTON

Before me, a Notary Public in and for the State of Washington, on this 2 day of November, 1999, personally appeared **Kenn A. Nesbitt**, who being duly sworn, signed and acknowledged the foregoing Assignment as his free act and deed.

(Seal)

Sue A. Johnson  
NOTARY PUBLIC  
My Commission Expires:



  
\_\_\_\_\_  
James L. Moody

STATE OF OREGON

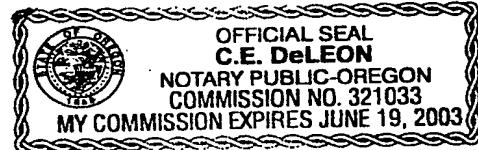
Before me, a Notary Public in and for the State of Oregon, on this 3 day of  
November, 1999, personally appeared James L. Moody, who being duly sworn,  
signed and acknowledged the foregoing Assignment as his free act and deed.

(Seal)

  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

June 19, 2003

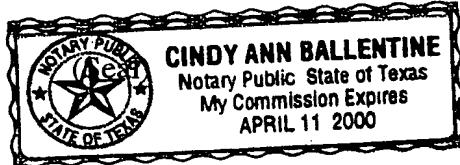


*Noah Coad*

Noah M. Coad

STATE OF TEXAS

Before me, a Notary Public in and for the State of Texas, on this 5<sup>th</sup> day of January, 1999, personally appeared **Noah M. Coad**, who being duly sworn, signed and acknowledged the foregoing Assignment as his free act and deed.



*Cindy Ann Ballentine*  
NOTARY PUBLIC  
My Commission Expires: 4-11-2000